



Doc ID: AP.PREF.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 3895-0102P	
		Application Number 10/051,951-Conf. #1746	Filed January 17, 2002
		First Named Inventor John HIND	
		Art Unit 2164	Examiner J. F. Betit
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>40,953</u> _____</p> <p><u>Esther Chong</u> Signature Esther H. Chong Typed or printed name (703) 205-8000 Telephone number June 7, 2006 Date</p>			
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			



Docket No.: 3895-0102P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
John HIND

Application No.: 10/051,951

Confirmation No.: 1746

Filed: January 17, 2002

Art Unit: 2164

For: SYSTEM AND METHOD FOR MANAGING
AND SECURING META DATA USING
CENTRAL REPOSITORY

Examiner: J. F. Betit

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action mailed March 7, 2006, Appellants respectfully request a pre-appeal brief conference. This request is being filed concurrently with a Notice of Appeal.

This request includes:

Remarks.

REMARKS

Appellants request withdrawal of the rejections of record is being clearly erroneous in fact and in law for the reasons set forth below.

Status of Claims

Claims 1-23, 25-50, 52-78, 80-84 and 88-93 are pending in the application. Claims 1-23, 25-50, 52-78, 80-84 and 88-93 stand rejected.

Grounds Of Rejection To Be Reviewed

The first ground of rejection to be reviewed is the failure of Claims 1-4, 10-11, 17, 20-22, 28-31, 37-38, 44, 47-49, 55-57, 59, 77 83, and 85-87 to be *prima facie* obvious over Dedrick, (U.S. Patent No. 5,710,884; hereinafter as “Dedrick”) in view of Arlein et al. (U.S. Patent Application Publication No. US 2002/0133500; hereinafter as “Arlein”) to support a rejection under 35 U.S.C. §103(a). The second ground of rejection to be reviewed is the failure of Claims 5-9, 12-16, 18-19, 23, 26-27, 32-36, 39-43, 45-46, 50, 53-54, 58, 60-76, 78, 81-82 and 84 to be *prima facie* obvious over Dedrick in view of Arlein, and further in view of the other secondary reference(s) to support rejections under 35 U.S.C. §103(a).

The Present Invention

The present invention pertains to a system and a method for managing and securing meta data using central repository. Independent claim 1 recites “utilizing, by the computing device, the meta data collection during a current user session at the computing device to assist the user in

using the computing device" and "the utilizing step comprises retrieving, from the meta data collection, meta data that would be most appropriate for each of different contexts of using the computing device, based on at least a current role of the user."

Independent claim 28 recites "computer executable code configured to utilize, by the computing device, the meta data collection during a current user session at the computing device to assist the user in using the computing device" and "the computer executable code configured to utilize comprises computer executable code configured to retrieve, from the meta data collection, meta data that would be most appropriate for each of different contexts of using the computing device, based on at least a current role of the user."

Independent claim 55 recites "the computing device... utilizing the meta data collection during a current user session at the computing device to assist the user in using the computing device" and "the computing device retrieves, from the meta data collection, meta data that would be most appropriate for each of different contexts of using the computing device, based on at least a current role of the user."

Distinctions Of The Invention Over The Applied Art

The Examiner has correctly acknowledged that Dedrick fails to teach retrieving, from the meta data collection (located at the local repository), meta data that would be most appropriate for each of different contexts of using the computing device, based on at least a current role of the user as recited in claims 1, 28 and 55.

Although Arlein discloses the user has the ability to have multiple personae stored in a profile database, Arlein also discloses that it allows the merchant server to read a persona profile

of a user from the persona database 208 remote from the user and the merchant (see FIGs. 2 and 4; paragraphs 0075-0079). In other words, the persona profile is obtained by *the merchant server* at the merchant's site. However, the computer device *of the user* does not obtain the persona profile itself because it is the merchant server, not the computer device of the user, that uses the persona profile of the user. Therefore, the persona profile cannot be used to "assist the user in using *the computing device*" as recited in claims 1, 28 and 55, and the "meta data" that "would be most appropriate for each of different contexts of *using the computing device*" as recited in claims 1, 28 and 55 cannot be retrieved from the meta data collection (seemed to be referred to by the Examiner as the personal profile) by the computer device of the user, because the persona profile of the user is not at the user's computer device, but at the merchant's site.

The Examiner on page 29, lines 15-17 of the instant Office Action alleged "it is a reasonable expectation that the "multiple personae" found in Arlein could be adapted to exist locally on the client instead of on a remote server since both have storage space." Appellants respectfully disagree. In particular, one of the major concerns of Arlein is the privacy-preserving global customization to eliminate the privacy risks due to the non-anonymous stored behavioral profiles (see *e.g.*, paragraph 0006). The reason of the persona database 208 remote from the user's computer or even the persona server is to provide the privacy of the user, *i.e.*, to eliminate any single point at which different personae profiles can be tied to the same user (see Abstract and paragraph 0114). If the "multiple personae" did exist locally on the user instead of on a remote database as the Examiner suggested, the user is exposed to the privacy risk again because different personae profiles of the same user is inevitably tied to the same user due to the locally resided "multiple personae". Accordingly, Arlein actually teaches away from locating the

“multiple personae” locally on the user’s computer device. Therefore, one skilled in the art would not have the motivation to combine Dedrick and Arlein, not to mention the fact that there is no motivation to combine Dedrick and Arlein with the other secondary references.

Accordingly, the invention as recited in claims 1, 28 and 55 and their dependent claims (at least due to their dependency) is patentable over the applied references, and the rejections should be withdrawn.

CONCLUSION

Withdrawal of the rejections is respectfully requested.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 09/0461 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: June 7, 2006

Respectfully submitted,

By Esther H. Chong
Esther H. Chong
Registration No.: 40,953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant